

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NUCLEAR WATCH NEW MEXICO,

Plaintiff,

vs.

Civil No. 06-221 BB/WPL

UNITED STATES DEPARTMENT OF ENERGY,
NATIONAL NUCLEAR SECURITY ADMINISTRATION,

Defendant.

THIRD STATUS REPORT

On June 12, 2008, Defendant mailed to Plaintiff's counsel the re-reviewed and de-redacted site plan for the Y-12 site for Fiscal Year (FY) 2008. This was a pending matter included in the Second Joint Status Report (Doc. 73, filed 4/17/08.)

The last pending matter in the Second Joint Status Report was for the parties to submit a Stipulation "for production of future site plans and exemptions applied to future site plans." (Doc. 73.) The parties have been in the process of discussing the stipulation since Defendant provided the first draft to Plaintiff on April 16, 2008.

Defendant attached the new NNSA Guidelines for site plans as Exhibit 1 to Doc. 73 (Second Status Report). Pursuant to the new Guidelines, NNSA will make a copy of each site plan available no more than 60 days after each site plan is accepted by NNSA Headquarters, upon receipt of a specific FOIA request from Plaintiff at the NNSA Service Center FOIA Office in Albuquerque, New Mexico. The overall goal of the new Guidelines is to have publicly-releasable site plans, with as few exemptions as possible, and to have exemptions applied (when necessary) consistently and uniformly across the sites and from year to year.

Since the entry of the Second Joint Status Report (Doc. 73), in response to Plaintiff's inquiry on April 17, 2008, rather than requiring a request, NNSA has agreed to post a publicly releasable version of each Site Plan (TYSP, Ten Year Site Plan) on its website within 60 days after each TYSP is accepted by NNSA Headquarters. This applies only to requests for future Site Plans beginning with FY 2009, and not to Site Plans previously requested.

On June 12, 2008, Defendant received the most recent feedback from Plaintiff about the June 6 most recent draft of the Stipulation.

After the Stipulation is entered, the parties will address fees to conclude this matter.

Respectfully submitted,

GREGORY J. FOURATT

United States Attorney

Electronically filed 6/13/08

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I HEREBY CERTIFY that on June 13, 2008, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Richard J. Mietz: rmietz@cybermesa.com

Electronically filed 6/13/08

CYNTHIA L. WEISMAN, Assistant U.S. Attorney